

REMARKS

Claims 1-22, 40, 41, 43-44, 51-59, 66-70, and 77-86 were pending in the present application. In the above amendments, claims 66-70 are cancelled. Therefore, after entry of the above amendments, claims 1-22, 40, 41, 43, 44, 51-59, and 77-86 will be pending in this application.

Patentee believes that the present application is now in condition for allowance and prompt and favorable action is respectfully requested.

A. Amendment to the Claims

The claims presented herein have been marked in accord with 37 C.F.R. §1.173 such that matter to be omitted is enclosed in brackets and matter to be added is underlined. Support for the amendments and new claims as required under 37 C.F.R. §1.173(c) is shown as follows:

Claim	Status	Support for Changes
Claim 1	Original	No change
Claim 2	No change	No change
Claim 3	No change	No change
Claim 4	No change	No change
Claim 5	No change	No change
Claim 6	No change	No change
Claim 7	No change	No change
Claim 8	No change	No change
Claim 9	No change	No change

Claim	Status	Support for Changes
Claim 10	No change	No change
Claim 11	Original	No change
Claim 12	Amended herein to address objections raised by the Examiner	Original claims 10 and 12; claim amended to address objections; no new matter.
Claim 13	Amended herein to address objections raised by the Examiner	Original claims 10 and 13; claim amended to address objections; no new matter.
Claim 14	Amended herein to address objections raised by the Examiner	Original claims 10 and 14; claim amended to address objections; no new matter.
Claim 15	Amended herein to address objections raised by the Examiner	Original claims 10 and 15; claim amended to address objections; no new matter.
Claim 16	Amended herein to address objections raised by the Examiner	Original claim 16; claim amended to address objections; no new matter.
Claim 17	Original	No change
Claim 18	No change	No change
Claim 19	Amended herein to address objections raised by the Examiner	Original claims 16 and 19; claim amended to address objections; no new matter.
Claim 20	No change	Original claims 16 and 20; claim amended to address objections; no new matter.
Claim 21	Original	No change
Claim 22	Original	No change
Claims 23 - 39	Cancelled	

Claim	Status	Support for Changes
Claim 40	New; added by the amendment dated June 14, 2001; amended herein to address 35 U.S.C. §112 issues noted by the Examiner; amended herein to recite “wherein each of the at least one list is associated with a unique access number operative to allow a calling member to access an associated PTT private network.”	claim amended to address 35 U.S.C. §112 issues; col. 5 lines 18-26
Claims 41-42	Cancelled	
Claim 43	New; added by the amendment dated June 14, 2001; amended herein to address 35 U.S.C. §112 issues noted by the Examiner	claim amended to address 35 U.S.C. §112 issues; no new matter
Claim 44	New; added by the amendment dated June 14, 2001; amended herein to address objections raised by the Examiner; amended herein to recite “the request for initiating a point-to-multipoint transmission to the communications group.”	Claim amended to address objections; col. 6 lines 33-45
Claims 45-50	Cancelled	
Claim 51	New; added by the amendment dated September 17, 2004.	No change
Claim 52	New; added by the amendment dated September 17, 2004	No change
Claim 53	New; added by the amendment dated September 17, 2004	No change

Claim	Status	Support for Changes
Claim 54	New; added by the amendment dated September 17, 2004	No change
Claim 55	New; added by the amendment dated September 17, 2004	No change
Claim 56	New; added by the amendment dated September 17, 2004	No change
Claim 57	New; added by the amendment dated September 17, 2004	No change
Claim 58	New; added by the amendment dated September 17, 2004	No change
Claim 59	New; added by the amendment dated September 17, 2004; amended herein to address 35 U.S.C. §112 issues noted by the Examiner	claim amended to address 35 U.S.C. §112 issues; no new matter
Claims 60-76	Cancelled	
Claim 77	New; added by the amendment dated September 17, 2004; amended herein to add “In a network call manager “ and “wherein the speaker privilege is granted when the PTT request is a first PTT request received subsequent to network speaking privileges being relinquished by a previously active member of the PTT communication network”	claim amended to correct typographical error; col. 5 lines 18-21 and col. 6 lines 46-56
Claim 78	New; added by the amendment dated September 17, 2004	No change
Claim 79	New; added by the amendment dated September 17, 2004	No change

Claim	Status	Support for Changes
Claim 80	New; added by the amendment dated September 17, 2004	No change
Claim 81	New; added by the amendment dated September 17, 2004	No change
Claim 82	Added by the amendment dated November 13, 2009	No change
Claim 83	Added by the amendment dated November 13, 2009	No change
Claim 84	Added by the amendment dated November 13, 2009	No change
Claim 85	Added by the amendment dated November 13, 2009	No change
Claim 86	Added by the amendment dated November 13, 2009; amended herein to address 35 U.S.C. §112 issues noted by the Examiner	claim amended to address 35 U.S.C. §112 issues; no new matter

B. Rejections under 35 U.S.C. §112

The Office Action rejected claims 66-70 and 86 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Patentee respectfully traverses this ground of rejection and requests reconsideration thereof.

Patentee has cancelled claims 66-70 without disclaimer or prejudice. Accordingly, Patentee requests withdrawal of the 35 U.S.C. §112 rejection as to claims 66-70.

Regarding claim 86, the Examiner contends that “a predetermined limit” is not described in the specification. Patentee directs to Examiner to column 7 line 10 which describes altering a priority within prescribed limits. In order to facilitate prosecution of the presentation application, Patentee has amended claim 86 to recite “a prescribed limit.” Patentee requests withdrawal of the 35 U.S.C. §112 rejection as to claim 86.

The Office Action rejected claims 40, 43, and 59 under 35 U.S.C. 112 allegedly as being indefinite. Patentee has amended claims 40 and 59 to address the specific issues raised by the Examiner in the Office Action page 3. The Examiner has not cited the reason for rejecting claim 43, and Patentee requests clarification. Nevertheless, Patentee has clarified claim 43 to change “push-to-talk controller” to “PTT controller.” Patentee requests withdrawal of the 35 U.S.C. §112 rejection as to claims 40, 43, and 59.

C. Rejections under 35 U.S.C. § 101

The Office Action rejected claims 77-86 under 35 U.S.C. §101 allegedly as being directed to non-statutory subject matter. Patentee respectfully traverses this ground of rejection and requests reconsideration thereof.

Patentee has amended claims 77-86 to recite a “a network call manager” as suggested by the Examiner on page 10 of the Office Action. Patentee submits that a “network call manager” is a specific “machine” that qualifies as statutory subject matter under 35 U.S.C. §101. Accordingly, Patentee respectfully submits that claims 77-86 recite statutory subject matter and requests withdrawal of this ground of rejection.

D. Rejections under 35 U.S.C. §102(e)

The Office Action rejected claims 40, 44, 51-53, 59, 66-68, and 77-79 under 35 U.S.C. §102(e) allegedly as being anticipated by Kay et al. (U.S. Pat. No. 5,475,689) (“Kay”). Patentee respectfully traverses this ground of rejection and requests reconsideration thereof.

Anticipation is an exacting standard. Under 35 U.S.C. §102, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim. *In re Bond*,

910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Implicit in a review of an examiner's anticipation analysis is that the claim must first have been correctly construed to define the scope and meaning of each contested limitation. See, e.g., *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) ("To properly compare [an allegedly anticipatory prior art reference] with the claims at issue, we must construe the term 'computer' to ascertain its scope and meaning.").¹

Kay is generally directed to a cellular system that includes a local area network where nodes on the network include various base switching controllers. Specifically, the Examiner has cited passages that describe a control message which identifies each of the MSs to which dispatch transactions should be addressed (Kay col. 7: 10-12) and pool IDs identifying members of the pool (Kay col. 8: 40-50). However, there is no indication that members can access different member pools.

As amended, claim 40 now recites:

a network controller operative to cause data packets transmitted within the wireless communication system to be processed and routed, the network controller storing therein at least one list of members of at least one push-to-talk (PTT) private network, *wherein each of the at least one list is associated with a unique access number operative to allow a calling member to access an associated PTT private network; and*

a push-to-talk PTT controller operative to cause PTT requests and private network data packets to be processed and routed in accordance with said at least one list.

¹ More recently, the Court of Appeals for the Federal Circuit has stated: To anticipate a claim, a single prior art reference must expressly or inherently disclose each claim limitation. *Celeritas Techs. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998). But disclosure of each element is not quite enough – this court has long held that “[a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim.” *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983) (citing *Soundscriber Corp. v. United States*, 360 F.2d 954, 960, 175 Ct. Cl. 644 (Ct. Cl. 1966) (emphasis added)).

(emphasis added). Kay does not disclose access numbers that allow a calling member to access the associated PTT private network. Therefore, as Kay does not disclose or suggest at least this feature of claim 40, this ground of rejection should be withdrawn.

Regarding claim 44, Patentee has amended the claim to recite “means for receiving a request from any member of the communications group, the request for initiating a point-to-multipoint transmission to the communications group” (emphasis added). The Examiner has cited passages that generally describe dispatch transactions that can be point to multipoint, but the passages do not disclose means for receiving a request from any member of the communications group, the request for initiating a point-to-multipoint transmission to the communications group, as now recited in the claim. While Kay discloses that the dispatcher can be an MS (Kay col. 7:8-10), only the dispatcher initiates a call (Kay col. 7: 41-43). Therefore, as Kay does not disclose or suggest at least this feature of claim 44, this ground of rejection should be withdrawn

Regarding claim 51, the Examiner contends that Kay discloses an interface to a public switched telephone network and for receiving interleaved vocoder frames and PTT frames from a first member user, citing Figure 1, Figure 2, col. 8 line 35-col. 9 line 13, col. 9 lines 24-42, and col. 3 lines 44-49 of Kay. Patentee respectfully disagrees. Kay col. 8, line 35-col. 9 line 13 discloses that voice transactions are transmitted according to dispatch pool information. Kay col. 9 lines 24-42 discloses that a non-mobile dispatch station transmits voice and data over a land line to a gateway. Kay col. 3 lines 44-49 discloses that a dispatch initiator may operate from a connected station and that the operators station or associated equipment provides the necessary digital control information. As noted above, every limitation of a claim must identically appear in a single prior art reference for it to anticipate the claim. The cited passages do not disclose “an interface to a public switched telephone network and for receiving *interleaved vocoder frames*

and PTT frames from a first member user” (emphasis added). Therefore, as Kay does not disclose or suggest every feature of claim 51, this ground of rejection should be withdrawn.

Regarding claims 66 and 77, claim 66 is canceled. Claim 77 has been amended to recite “wherein the speaker privilege is granted when the PTT request is a first PTT request received subsequent to network speaking privileges being relinquished by a previously active member of the PTT communication network.” Patentee submits that Kay does not disclose or suggest at least these features of claim 77 and request that this ground of rejection should be withdrawn.

For at least the above reasons, Patentee submits that Kay does not disclose independent claims 40, 44, 51, and 77 and that these claims are allowable. Patentee further submits that dependent claims 43, 52-59, and 78-86 are allowable at least by virtue of their dependency on an allowable base claim.

E. Rejections under 35 USC §103

Claims 43, 58, 70, 81, 84, and 86 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kay in view of Grube et al. (U.S. Pat. No. 5,387,905). Patentee traverses this ground of rejection and request reconsideration thereof.

Grube et al. fails to cure the deficiencies of Kay. Grube et al. generally discloses processing of dispatch calls in a multi-site communication system wherein a request for a dispatch call is routed to a controller which assigns a controlled device to support the request. However, Grube et al. fails to disclose or suggest a network controller operative to cause data packets transmitted within the wireless communication system to be processed and routed, the network controller storing therein at least one list of members of at least one push-to-talk (PTT) private network, wherein each of the at least one list is associated with a unique access number

operative to allow a calling member to access an associated PTT private network. Grube et al. also fails to disclose or suggest an interface to a public switched telephone network and for receiving interleaved vocoder frames and PTT frames from a first member user. Grube et al. also fails to disclose granting a speaker privilege to the member in response to a PTT request contained within the at least one PTT frame, wherein the speaker privilege is granted when the PTT request is a first PTT request received subsequent to network speaking privileges being relinquished by a previously active member of the PTT communication group. Since the combination of Kay and Grube et al. fails to disclose all of the elements of the independent claims, dependent claims 43, 58, 70, 81, 84, and 86 cannot be rendered obvious by the cited combination per MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection as to claims 43, 58, 70, 81, 84, and 86.

Claim 54 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kay in view of Danne et al. (U.S. Pat. No. 5,761,619). Patentee traverses this ground of rejection and request reconsideration thereof.

Danne et al. fails to cure the deficiencies of Kay. Danne et al. generally discloses a cellular telecommunications system with a plurality of nodes, but fails to disclose or suggest an interface to a public switched telephone network and for receiving interleaved vocoder frames and PTT frames from a first member user. Since the combination of Kay and Danne et al. fails to disclose all of the elements of the independent claim, dependent claim 54 cannot be rendered obvious by the cited combination per MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection as to claim 54.

Claim 55 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Weiss (U.S. Pat. No. 5,151,922). Patentee traverses this ground of rejection and requests reconsideration thereof.

Weiss fails to cure the deficiencies of Kay. Weiss generally discloses controlling a speaker mute time to transmit an information message from a first communication device to a second communication device, but fails to disclose or suggest an interface to a public switched telephone network and for receiving interleaved vocoder frames and PTT frames from a first member user. Since the combination of Kay and Weiss fails to disclose all of the elements of the independent claim, dependent claim 55 cannot be rendered obvious by the cited combination per MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection as to claim 55.

Claims 56-57, 69, and 80 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Glaser (U.S. Pat. No 6,072,463). Patentee traverses this ground of rejection and requests reconsideration thereof.

Claim 69 has been canceled by the present amendment, and thus the rejection of claim 69 is moot. Regarding claims 56-57 and 80, Glaser fails to cure the deficiencies of Kay. Glaser generally discloses processing of dispatch calls in a multi-site communication system wherein a request for a dispatch call is routed to a controller which assigns a controlled device to support the request. However, Glaser but fails to disclose or suggest an interface to a public switched telephone network and for receiving interleaved vocoder frames and PTT frames from a first member user. Glaser also fails to disclose granting a speaker privilege to the member in response to a PTT request contained within the at least one PTT frame, wherein the speaker privilege is granted when the PTT request is a first PTT request received subsequent to network speaking privileges being relinquished by a previously active member of the PTT communication group. Since the combination of Kay and Glaser fails to disclose all of the elements of the independent claims, dependent claims 56-57, and 80 cannot be rendered obvious by the cited combination per

MPEP §2143.03. Patentee respectfully requests reconsideration and withdrawal of the 35 USC §103 rejection as to claims 56-57, 69, and 80.

F. Allowable Subject Matter

Patentee wishes to thank the Examiner for allowing claims 1-11 and 21-22. The Examiner states that claims 12-20 would be allowable if rewritten or amended to overcome the objections stated in the Office Action. As detailed above, Patentee believes that the outstanding objections have been addressed and respectfully request allowance of claims 12-20.

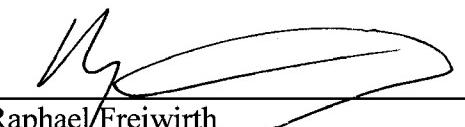
Conclusion

In light of the amendments contained herein, Patentee submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 2010-04-23

By: 
Raphael Freiwirth
Reg. No. 52,918
(858) 651-0777

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502